

Message Text

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ACTION EA-09

INFO OCT-01 ISO-00 EAE-00 SSO-00 NSCE-00 USIE-00 INRE-00

CIAE-00 PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05 PA-01

PRS-01 SP-02 SS-15 OMB-01 /051 W

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FM AMEMBASSY MANILA

TO SECSTATE WASHDC IMMEDIATE 7838

INFO SECDEF WASHDC PRIORITY

JCS WASHDC PRIORITY

CINCPAC PRIORITY

CINCPACFLT PRIORITY

CINCPACREPHIL SUBIC PRIORITY

CG 13TH AF CLARK PRIORITY

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FROM USDEL 147

CINCPAC ALSO FOR POLAD

E.O. 11652: GDS

TAGS: MARR, RP

SUBJECT: PHILIPPINE BASE NEGOTIATIONS:JOINT COMMITTEE

REF: STATE 179510

1. IN ACCORDANCE INSTRUCTIONS CONTAINED REFTEL, SULLIVAN GAVE ROMUALDEZ REVISED TEXT OF ARTICLE CONCERNING JOINT COMMITTEE DURING MEETING OF CHAIRMEN'S WORKING GROUP JULY 21. ROMUALDEZ HAS DISCUSSED SUBJECT WITH HIS PANEL AND PROVIDED PHILIPPINE REACTION DURING WORKING GROUP MEETING JULY 22.

2. IN GENERAL, PHILS EXPRESSED SATISFACTION WITH OUR PROPOSAL. HOWEVER, THEY STRONGLY DESIRE RETAIN NAME "JOINT COMMISSION" RATHER THAN "JOINT COMMITTEE." THEY REASON CONFIDENTIAL

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THAT A "COMMITTEE" SOUNDS LESS IMPOSING THAN A "BOARD,"

AND THEY WISH TO GIVE THIS ORGANIZATION A STATUS SOMEWHAT HIGHER THAN THE MUTUAL DEFENSE BOARD. (DESPITE LEEWAY GIVEN IN REFTEL, SULLIVAN HAS NOT YET CONCEDED THIS POINT, SINCE HE WISHES TO RESERVE IT FOR OTHER ASPECTS OF THIS ARTICLE.)

3. MORE DIFFICULT PHIL OBJECTION IS TO MANNER IN WHICH WE PROPOSE TO DESCRIBE COMPOSITION OF JOINT COMMITTEE. THEY STATE IT IS THEIR DELIBERATE INTENTION TO MAKE BOTH RPT BOTH PHILIPPINE MEMBERS CIVILIANS. THEY WILL DRAW ON MILITARY EXPERTISE, BUT NOT RPT NOT HAVE DIRECT MILITARY MEMBERSHIP. ON THE OTHER HAND, THEY HAVE NO RPT NO OBJECTION TO U.S. DEPUTY BEING MILITARY OFFICER AND UNDERSTAND OUR REASONS FOR WANTING TO DO SO. THEY ARE PREPARED EITHER TO HAVE TEXT RECORD THIS ASSYMMETRY OR ELSE TO PASS IT OVER BY HAVING TEXT MERELY PROVIDE FOR TWO CHAIRMEN AND TWO DEPUTIES, TO BE DESIGNATED AT THE DISCRETION OF EACH GOVERNMENT.

4. NEXT, AS MORE OR LESS A TECBNICALITY, THEY WISH TO RESERVE ON THE DESIGNATION OF THE CRIMINAL JURISDICTION IMPLEMENTATION SUBCOMMITTEE, ON THE GROUNDS THAT LEGAL WORKING GROUP HAS NOT YET COMPLETED NEGOTIATIONS WHICH WOULD AFFIRM THE CONTINUED EXISTENCE OF SUCH A COMMITTEE.

5. FINALLY, THEY FEEL WORDING OF PARAGRAPH 5 OF U.S. DRAFT IS SOMEWHAT AMBIGUOUS. THEY THINK WORDING CAN BE INTERPRETED TO SUGGEST THAT THE COMMITTEE HAS TO DECIDE ON SCOPE OF ITS OWN COMPETENCE. THEY PREFER SOME MODIFICATION OF THEIR OWN LANGUAGE TO CLARIFY THE MEANING.

6. CONSEQUENTLY, IN EFFORT RESOLVE THESE MATTERS, USDEL PROPOSES FOLLOWING "FIXES" IN WASHINGTON DRAFT:

(A) ACCEPT TITLE AS JOINT COMMISSION.

(B) REWRITE PARA 2 TO READ AS FOLLOWS:
"THE JOINT COMMISSION WILL BE COMPOSED OF FOUR REPRESENTATIVES, TWO OF WHOM SHALL BE NAMED BY THE PHILIPPINES AND TWO BY THE UNITED STATES.
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EACH GOVERNMENT SHALL DESIGNATE ONE OF ITS REPRESENTATIVES AS CO-CHAIRMAN, AND THE OTHER AS DEPUTY. PROVISIONS MAY BE MADE BY EACH GOVERNMENT FOR ALTERNATE REPRESENTATIVES TO BE NAMED TO ACT IN THE ABSENCE OF EITHER ITS CO-CHAIRMAN OR ITS DEPUTY."

(C) SUBSTITUTE THE FOLLOWING FOR THE FIRST SENTENCE

OF PARA 5 OF WASHINGTON DRAFT:

"THE JOINT COMMISSION SHALL ACT UPON AND,
THROUGH AGREEMENT BETWEEN THE REPRESENTATIVES
OF THE TWO GOVERNMENTS, RESOLVE ALL ISSUES OR
PROBLEMS THAT MAY ARISE IN THE IMPLEMENTATION
OF THIS AGREEMENT."

7. ACTION REQUESTED: REQUEST AUTHORIZATION MODIFY
WASHINGTON APPROVED TEXT AS INDICATED ABOVE. REPLY SHOULD
REACH MANILA BY 0800 JULY 27, MANILA TIME.
SULLIVAN

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NNN

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